

ORDINANCE NO. 1706

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI
AMENDING TITLE 15 – BUILDINGS AND CONSTRUCTION,
CHAPTER 15.64 – DEVELOPMENT IMPACT MITIGATION FEES BY
REPEALING AND REENACTING SECTION 15.64.040 - “PAYMENT
OF FEES,” AND SECTION 15.64.050 - “ADOPTION OF STUDY,
CAPITAL IMPROVEMENT PROGRAM AND FEES” TO THE LODI
MUNICIPAL CODE RELATING TO DEVELOPMENT IMPACT FEES

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

SECTION 1. Section 15.64.040 “Payment of Fees” of the Lodi Municipal Code is hereby repealed and reenacted to read as follows:

15.64.040 Payment of Fees

A. The property owner of any development project causing impacts to public facilities shall pay the appropriate development mitigation fee as provided in this chapter. The amount shall be calculated in accordance with this chapter and the program fee per residential acre equivalent as established by council resolution.

B. When such payment is required by this chapter, no final subdivision map, building permit or grading permit shall be approved for property within the city unless the development impact mitigation fees for that property are paid or guaranteed as provided in this chapter.

C. The fees shall be paid before the approval of a final subdivision map, building permit or grading permit, whichever occurs first except as provided in subsection E of this section.

D. If a final subdivision map has been issued before the effective date of the ordinance codified in this chapter, then the fees shall be paid before the issuance of a building permit or grading permit, whichever comes first except as exempted under Section 15.64.110 of this chapter.

E. Where the development project includes the installation of public improvements, the payment of fees established by this Chapter may be deferred and shall be collected prior to acceptance of the public improvements by the city council. Payment of all deferred fees shall be guaranteed by the owner prior to deferral. Such guarantee shall consist of a surety bond, instrument of credit, cash or other guarantee approved by the City Attorney.

SECTION 2. Section 15.64.050 “Adoption of Study, Capital Improvement Program and Fees” of the Lodi Municipal Code is hereby repealed and reenacted to read as follows:

15.64.50 Adoption of Study, Capital Improvement Program and Fees

A. The city council adopts the City of Lodi Development Fee Study dated August, 1991 and establishes a future capital improvement program consisting of projects shown in said study. The city council shall review that study annually, or more often if it deems it appropriate, and may amend it by resolution at its discretion.

B. The city council shall include in the city's annual capital improvement program appropriations from the development impact fee funds for appropriate projects.

C. Except for facilities approved by the public works director for construction by a property owner under Section 15.64.080 or as shown in the annual capital improvement program, all facilities shall be constructed in accordance with the schedule established in the development impact fee study.

D. The program fee per residential area equivalent (RAE) shall be adopted by resolution and shall be automatically adjusted annually on January 1. The annual adjustment shall change the program fee by the same percentage as the annual change in the Engineering News Record 20 Cities Construction Cost Index.

SECTION 3. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 4. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 5. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

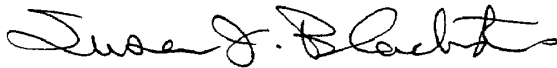
SECTION 6. This ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi and shall take effect thirty days from and after its passage and approval.

Approved this 7th day of November, 2001



ALAN NAKANISHI
Mayor

Attest:



SUSAN J. BLACKSTON
City Clerk

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State of California
County of San Joaquin, ss.

I, Susan J. Blackston, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1706 was introduced at a regular meeting of the City Council of the City of Lodi held October 17, 2001, and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held November 7, 2001 by the following vote:

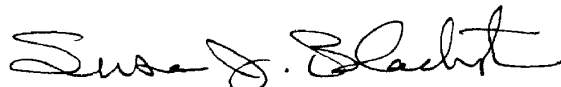
AYES: COUNCIL MEMBERS – Howard, Land, Pennino and Mayor
Nakanishi

NOES; COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – Hitchcock

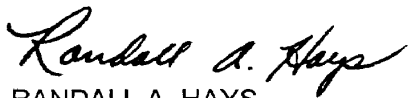
ABSTAIN: COUNCIL MEMBERS – None

I further certify that Ordinance No. 1706 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.



SUSAN J. BLACKSTON
City Clerk

Approved as to Form:



RANDALL A. HAYS
City Attorney